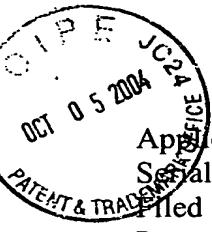


OCT 07 2004

Attorney's Docket No.: 17084-004002/402A

Cofe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Gyula Hadlaczky, *et al.*  
Serial No. : 09/096,648  
Filed : June 12, 1998  
Patent No. : 6,743,967 *B2*  
Issue Date : June 1, 2004  
Title : ARTIFICIAL CHROMOSOMES, USES THEREOF AND METHODS FOR  
PREPARING ARTIFICIAL CHROMOSOMES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

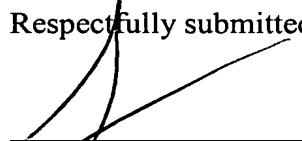
**Certificate**  
OCT 13 2004  
**of Correction**  
**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are a Request for Certificate of Correction Pursuant to 37 C.F.R. §1.322, Certificate of Correction Form PTO-1050 (3 pages), and a copy of the Notice of Allowability, dated November 26, 2003. Since the errors appear to be those of the PTO, no fee is due. However, if it is determined that a fee is due, the Office is hereby authorized to charge the fee to Deposit Account No. 06-1050, as stated below:

The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17084-004002/402A

**Address all correspondence to:**

Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (202) 626-7796  
email: seidman@fr.com

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
"Express Mail" Mailing Label Number EV 399295377  
Date of Deposit October 5, 2004

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

  
Stephanie L. Seidman

OCT 15 2004



Attorney's Docket No.: 17084-004002/402A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gyula Hadlaczky, *et al.* Art Unit : 1632  
Serial No. : 09/096,648 Examiner : Thaian N. Ton  
Filed : June 12, 1998 Conf. No. : 2049  
Patent No. : 6,743,967 B2 Cust. No. : 20985  
Issue Date : June 1, 2004  
Title : ARTIFICIAL CHROMOSOMES, USES THEREOF AND METHODS FOR  
PREPARING ARTIFICIAL CHROMOSOMES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are a Request for Certificate of Correction Pursuant to 37 C.F.R. §1.322, Certificate of Correction Form PTO-1050 (3 pages), and a copy of the Notice of Allowability, dated November 26, 2003. Since the errors appear to be those of the PTO, no fee is due. However, if it is determined that a fee is due, the Office is hereby authorized to charge the fee to Deposit Account No. 06-1050, as stated below:

The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17084-004002/402A

**Address all correspondence to:**

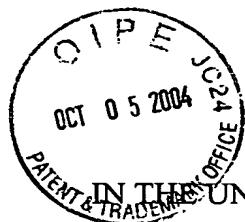
Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (202) 626-7796  
email: seidman@fr.com

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
"Express Mail" Mailing Label Number EV 399295377  
Date of Deposit October 5, 2004

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie L. Seidman

OCT 15 2004



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gyula Hadlaczky, *et al.* Art Unit : 1632  
Patent No. : 6,743,967 B2 Examiner : Thaian N. Ton  
Issue Date : June 1, 2004 Conf. No. : 2049  
Serial No. : 09/096,648 Cust. No. : 20985  
Filed : June 12, 1998  
Title : ARTIFICIAL CHROMOSOMES, USES THEREOF AND METHODS FOR  
PREPARING ARTIFICIAL CHROMOSOMES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 C.F.R. §1.322**

Dear Sir:

Pursuant to 37 C.F.R. §1.322, the patentee respectfully requests that a Certificate of Correction be issued for the above-referenced patent to correct the following errors:

**IN THE ABSTRACT:**

At column 1, line 62, replace “heteroaromatic” with —heterochromatin—;

**IN THE SPECIFICATION:**

At column 3, line 6, replace “germane” with —germline—;

at column 7, lines 25, 28, 29, 50, and 53, replace “heteroaromatic” with  
—heterochromatin—;

at column 17, line 16, replace “ctivated” with —activated—;

at column 29, line 49, replace “SalII” with —SalI—;

at column 29, line 64, replace “Bg111” with —Bg1II—;

at column 30, line 2, replace “BgIII” with —Bg1II—;

at column 36, line 57, replace “table” with —stable—;

**CERTIFICATE OF MAILING BY “EXPRESS MAIL”**  
“Express Mail” Mailing Label Number EV 399295377 US

Date of Deposit October 5, 2004

I hereby certify that this paper is being deposited with the United States Postal “Express Mail Post Office to Addressee” Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

*Stephanie L. Seidman*

at column 37, line 60, replace “ $\mu\text{g}/\text{mL}$ ” with — $\mu\text{g}/\text{mL}$ —;  
at column 46, line 68, replace “ $\text{SalI}$ ” with — $\text{SalI}$ —;  
at column 46, line 68, replace “ $\text{SalI}$ ” with — $\text{SalI}$ —;  
at column 47, line 11, replace “ $\text{BgIII}$ ” with — $\text{BglII}$ —;  
at column 47, line 60, replace “Inucleotide 232-10044 of SEQ ID No.2]” with  
— [nucleotide 232-10044 of SEQ ID No.2]—;  
at column 49, line 42, replace “moleculeencoding” with —molecule-encoding—;  
at column 49, lines 50 and 67, replace “ $\text{SalI}$ ” with — $\text{SalI}$ —;  
at column 50, lines 19 and 34, replace “ $\text{SalI}$ ” with — $\text{SalI}$ —;  
at column 51, lines 19, 27, 37, 38, 54, and 55, replace “ $\text{SalI}$ ” with — $\text{SalI}$ —;  
at column 58, lines 44, 45 and 65, replace “ $\text{SalI}$ ” with — $\text{SalI}$ —;  
at column 61, line 16, replace “ $\text{qaq}$ ” with — $\text{gag}$ —;

#### IN THE CLAIMS:

Please amend Claim 10 as shown below (deletions are [[double bracketed]], additions are underlined):

10. A method of producing a transgenic non-human embryo,  
comprising:  
introducing a satellite artificial chromosome into a cell, wherein the cell develops in  
culture into an non-human embryo; and  
culturing the cell under conditions whereby it develops into an embryo.

Applicant : Gyula Hadlaczky, *et al.*  
Serial No. : 09/096,648  
Patent No. : 6,743,967 *B2*  
Filed : June 12, 1998  
Request for Certificate of Correction  
Page : 3 of 5

Attorney's Docket No.: 17084-004002/402A

## REMARKS

A Certificate of Correction (Form PTO-1050) incorporating the above changes is included in this Request. Since the errors appear to be those of the Patent Office, a fee under 37 C.F.R. § 1.20(a) is not due. If, however, it is determined that a fee is due, the Office is hereby authorized to charge the fee to Deposit Account No. 06-1050.

This Certificate of Correction seeks to amend errors in the Abstract and Specification introduced by the PTO during the publication process, and an error in Claim 10. At Column 75, lines 42 and 45 are corrected to insert the word "non-human" before the term embryo. This amendment was introduced in the Examiner's Amendment of November 26, 2003, attached hereto. The term "non-human" does not appear in the printed patent.

Amendments to issued Claim 10 (original Claim 82) were authorized by a telephone interview with the undersigned attorney on October 31, 2003. In the Examiner's Amendment of November 26, 2003, the Examiner inadvertently references Claim 10 for amendment, rather than Claim 82 (original claim number). Applicant respectfully submits that claim 82 (original claim number) was the intended claim, which is in accordance with the claim amendments discussed in the telephone interview with the Examiner. Therefore, based on the amendments to Claim 82 (original claim number), the Applicant requests correction of Claim 10 in the issued patent to include insertion of the term "non-human" before the term embryo. A copy of the Notice of Allowance and Fee(s) Due, dated November 26, 2003, that includes the aforementioned Examiner's Amendments, is provided in evidence. Additionally, the Patent Office is requested to correct "trranganic" at column 75, line 42, to read as "transgenic".

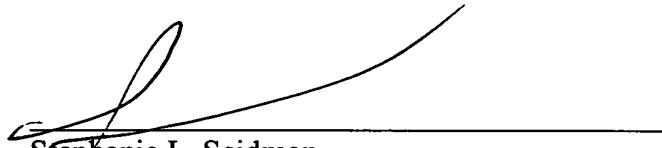
Applicant : Gyula Hadlaczky, *et al.*  
Serial No. : 09/096,648  
Patent No. : 6,743,967 *B2*  
Filed : June 12, 1998  
Request for Certificate of Correction  
Page : 4 of 5

Attorney's Docket No.: 17084-004002/402A

\*\*\*\*\*

This Certificate of Correction seeks to amend these errors in the Abstract, Specification and Claims introduced by the Patent and Trademark Office. These changes do not constitute new matter. Patentee respectfully requests correction of errors by issuance of a Certificate of Correction.

Respectfully submitted,



Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17084-004002/402A

**Address all correspondence to:**

Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (202) 626-7796  
email: seidman@fr.com

OCT 1 2 2004

Applicant : Gyula Hadlaczky, *et al.*  
Serial No. : 09/096,648  
Patent No. : 6,743,967  
Filed : June 12, 1998  
Request for Certificate of Correction  
Page : 5 of 5

Attorney's Docket No.: 17084-004002/402A

**ATTACHMENT TO THE CERTIFICATE OF CORRECTION**

Notice of Allowance and Fee(s) Due, dated November 26, 2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 05 2004

JC24  
PATENT & TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## NOTICE OF ALLOWANCE AND FEE(S) DUE

24961

7590

11/26/2003

HELLER EHRLICH WHITE & MCAULIFFE LLP  
4350 LA JOLLA VILLAGE DRIVE  
7TH FLOOR  
SAN DIEGO, CA 92122-1246

RECEIVED

DEC 01 2003

Heller Ehrman

EXAMINER

TON, THAIAN N

ART UNIT

PAPER NUMBER

1632

DATE MAILED: 11/26/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,648	06/12/1998	GYULA HADLACZKY	24601-402A	2049

TITLE OF INVENTION: ARTIFICIAL CHROMOSOMES, USES THEREOF AND METHODS FOR PREPARING ARTIFICIAL CHROMOSOMES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	02/26/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

## If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,648	06/12/1998	GYULA HADLACZKY	24601-402A	2049
24961	7590	11/26/2003	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP			TON, THAIAN N	
4350 LA JOLLA VILLAGE DRIVE			ART UNIT	
7TH FLOOR			PAPER NUMBER	
SAN DIEGO, CA 92122-1246			1632	
DATE MAILED: 11/26/2003				

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,648	06/12/1998	GYULA HADLACZKY	24601-402A	2049
24961	7590	11/26/2003	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP 4350 LA JOLLA VILLAGE DRIVE 7TH FLOOR SAN DIEGO, CA 92122-1246			TON, THAIAN N	
ART UNIT		PAPER NUMBER		1632
DATE MAILED: 11/26/2003				

## Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

### Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a)).....	\$665.00
By other than a small entity.....	\$1,330.00

(b) Issue fee for issuing a design patent:

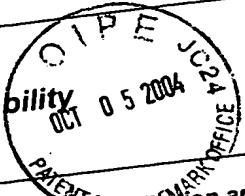
By a small entity (Sec. 1.27(a)).....	\$240.00
By other than a small entity.....	\$480.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a)).....	\$320.00
By other than a small entity.....	\$640.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability



Application No.  
09/096,648  
Examiner  
Thái-An N. Ton

Applicant(s)  
HADLACZKY ET AL.  
Art Unit  
1632

— The MAILING DATE of this communication appears on the cover sheet with the correspondence addressed therewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

This communication is responsive to 8/7/03.

The allowed claim(s) is/are 32,35,38,39,65,67,82,83,87,97-100 and 106-112.

The drawings filed on 01 March 2001 are accepted by the Examiner.

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a)  The translation of the foreign language provisional application has been received.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements now. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF FORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

CORRECTED DRAWINGS must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1)  hereto or 2)  to Paper No. \_\_\_\_\_.

(b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_
- Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2  Notice of Informal Patent Application (PTO-413), Paper No. \_\_\_\_\_
- 4  Interview Summary (PTO-413), Paper No. \_\_\_\_\_
- 6  Examiner's Amendment/Comment
- 8  Examiner's Statement of Reasons for Allowance
- 9  Other

*Deborah Crouch*

DEBORAH CROUCH  
PRIMARY EXAMINER  
GROUP 12

1630

Notice of Allowability

Application/Control Number: 09/096,648  
Art Unit: 1632

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephanie Seidman on October 31, 2003.

The application has been amended as follows:

In the claims:

1. In claim 10, line 1, insert the term - non-human - before the term embryo.
2. Replace claim 99 with the following:
  99. A method for producing a transgenic mouse, comprising:

introducing a mouse embryonic stem cell comprising a satellite artificial chromosome into an embryo;

introducing the embryo into a female mouse; and

allowing the embryo to develop into a transgenic mouse comprising a satellite artificial chromosome.

Application/Control Number: 09/096,648  
Art Unit: 1632

Examiner's Statement Regarding Requirement for Deposit of Biological Material

Claim 107 refers to cell lines deposited under ECACC accession number 96040928 or 96040929 and the specification discloses that the cell lines were deposited in accord with the Budapest Treaty. See p. 44, lines 18-22. However, there is no indication in the specification as to public availability. An affidavit or declaration by Applicant or a statement by an attorney of record over his or her signature and registration number, stating that the specific bacteria strain have been deposited under the Budapest Treaty and that the strain will be irrevocably and without restriction released to the public upon the issuance of a patent, would satisfy the deposit requirement.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The satellite artificial chromosomes [SATACs] described in the instant invention are discerned from the minichromosomes described in prior art because SATACs are primarily made up of repeating units of short satellite DNA and are fully heterochromatic [see p. 6, lines 1-3 of the specification] and minichromosomes contain at least more than 50% euchromatin [see p. 13, lines 1-9 of the specification].

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Application/Control Number: 09/096,648  
Art Unit: 1632

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tháí-An N. Ton whose telephone number is (703) 305-1019. The examiner can normally be reached on Monday through Friday from 8:00 to 5:00 (Eastern Standard Time), with alternating Fridays off. Should the examiner be unavailable, inquiries should be directed to Deborah Reynolds, Supervisory Primary Examiner of Art Unit 1632, at (703) 305-4051. Any administrative or procedural questions should be directed to William Phillips, Patent Analyst, at (703) 305-3482. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703)-872-9306.

TNT

Tháí-An N. Ton  
Patent Examiner  
Group 1632

*Deborah Crouch*

DEBORAH CROUCH  
PRIMARY EXAMINER  
GROUP 1600 1630

**Examiner-Initiated Interview Summary**

Application No.	Applicant(s)	
09/096,648	HADLACZKY ET AL.	
Examiner	Art Unit	
Thái-An N. Ton	1632	

**All Participants:**(1) Thái-An N. Ton.(2) Stephanie Seidman.**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 31 October 2003**Time:** \_\_\_\_\_**Type of Interview:**

Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant  Applicant's representative)

**Exhibit Shown or Demonstrated:**  Yes  No

If Yes, provide a brief description:

**Part I.****Rejection(s) discussed:**None**Claims discussed:**

99

**Prior art documents discussed:****Part II.****SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:***Discussed allowable claim language and Examiner's Amendment.***Part III.**

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Staple  
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Only**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**PATENT NO. : 6,743,967 B2

DATED : JUNE 1, 2004

INVENTOR(S) : GYULA HADLACZKY AND ALADAR SZALAY

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**IN THE ABSTRACT:**

At column 1, line 62, replace "heteroaromatic" with —heterochromatin—;

**IN THE SPECIFICATION:**

At column 3, line 6, replace "germane" with —germline—;

at column 7, lines 25, 28, 29, 50, and 53, replace "heteroaromatic" with  
—heterochromatin—;

at column 17, line 16, replace "ctivated" with —activated—;

at column 29, line 49, replace "SalI" with —SalI—;

at column 29, line 64, replace "Bg111" with —BglII—;

at column 30, line 2, replace "BgIII" with —BglII—;

at column 36, line 57, replace "table" with —stable—;

at column 37, line 60, replace "μg/ml" with —μg/ml—;

at column 46, line 68, replace "SalI" with —SalI—;

at column 46, line 68, replace "SalI" with —SalI—;

MAILING ADDRESS OF SENDER:

PATENT NO. 6,743,967 B2

Stephanie L. Seidman  
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12390 El Camino Real  
San Diego, California 92130

Page 1 of 3

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Only**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**PATENT NO. : 6,743,967 *B2*

DATED : JUNE 1, 2004

INVENTOR(S) : GYULA HADLACZKY AND ALADAR SZALAY

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

at column 47, line 11, replace “BgIII” with —BglII—;  
at column 47, line 60, replace “Inucleotide 232-10044 of SEQ ID No.2]” with  
— [nucleotide 232-10044 of SEQ ID No.2]—;  
at column 49, line 42, replace “moleculeencoding” with —molecule-encoding—;  
at column 49, lines 50 and 67, replace “SalI” with —SalI—;  
at column 50, lines 19 and 34, replace “SalI” with —SalI—;  
at column 51, lines 19, 27, 37, 38, 54, and 55, replace “SalI” with —SalI—;  
at column 58, lines 44, 45 and 65, replace “SalI” with —SalI—;  
at column 61, line 16, replace “qaq” with —gag—;

MAILING ADDRESS OF SENDER:

PATENT NO. 6,743,967 *B2*

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San Diego, California 92130

Page 2 of 3

OCT 15 2004

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Only**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,743,967 *B2*  
DATED : JUNE 1, 2004  
INVENTOR(S) : GYULA HADLACZKY AND ALADAR SZALAY

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**IN THE CLAIMS:**

Claim 10 should read as follows:

10. A method of producing a transgenic non-human embryo, comprising:  
introducing a satellite artificial chromosome into a cell, wherein the cell develops in culture into a non-human embryo; and  
culturing the cell under conditions whereby it develops into an embryo.

MAILING ADDRESS OF SENDER:

PATENT NO. 6,743,967 *B2*

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Page 3 of 3

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